

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CRAIG CUNNINGHAM,

Plaintiff,

v.

USA AUTO PROTECTION, LLC, *et al.*,

Defendants.

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Civil Action No. 4:20-cv-142-RWS-KPJ

ORDER

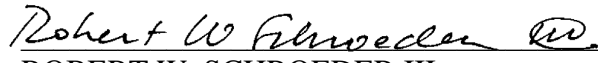
Plaintiff Craig Cunningham (“Plaintiff”) filed a Motion for Sanctions against Defendant USA Auto Protection, LLC (“USA Auto”), arguing USA Auto’s Counterclaims (Docket No. 34) were filed “for an improper purpose, to harass the Plaintiff, cause a delay in the case, and to increase the costs of litigation” (Docket No. 48.) The Court previously referred this matter to the United States Magistrate Judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge. The Magistrate Judge issued a Report and Recommendation (Docket No. 84), recommending the motion be denied because Plaintiff failed to show USA Auto’s Counterclaims violated Federal Rule of Civil Procedure 11.

Because no objections to the Magistrate Judge’s Report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections

from ten to fourteen days). Nonetheless, the Court has reviewed the Motion and the Magistrate Judge's Report and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate's proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 423 U.S. 261, 275 (1976)). Accordingly, it is hereby

ORDERED that the Magistrate Judge's report and recommendation (Docket No. 84) is **ADOPTED** as the opinion of this Court. Plaintiff's Motion for Sanctions (Docket No. 48) is **DENIED**.

So ORDERED and SIGNED this 11th day of December, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE